

REMARKS

Claims 1 to 20 were pending in the above-identified application when last examined. Applicant has amended claims 1, 4, 9, 11, and 17, canceled claim 19, and added claims 21 to 27.

§ 102 Rejections

The Examiner rejected claims 17 to 19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,607,160 ("Stevens et al."). Addressing claim 17, the Examiner stated:

Stevens teaches a board having a top surface, a path, game spaces (1), at least one space being religious action space (Q,A,D), a trivia card with religious questions and answers (Fig.2A), a plurality of tokens (21), die (22), a debate mechanism (4:34-56), and a religious-action mechanism (4:10-30).

August 24, 2004 Office Action, p. 2, ¶ 2.

Applicant has amended claim 17. Amended claim 17 is patentable over Stevens et al. for reciting that "at least one of the spaces ... is a religious-action space that requires a playing team to perform a predetermined religious action associated with a religion." Amended claim 17. This is illustrated in Fig. 1 where one of religion sets 104 and 106 has at least one religion-action space 110. The specification provides that "[w]hen a player lands on a religious action space 110, the player is required to perform a religious action" Specification, p. 8, paragraph 26. The specification also provides that "a player or team will be required to perform one or more religious actions that embody a particular religion." Specification, p. 4, paragraph 16. These religious actions are exemplified in paragraphs 17 to 21 and are religious rituals that represent their respective religions.

Stevens et al. does not disclose that a playing team is required to perform a predetermined religious action associated with a religion when the playing team lands on a religious-action space. Instead, Stevens et al. discloses that a member of the playing team can act out words predetermined by playing cards "using any gestures, or available objects" so that other members of the playing team can guess the words. Stevens et al., col. 4, lines 15 and 16. Thus, amended claim 17 is patentable over Stevens et al. for reciting "at least one of the spaces ... is a religious-action space that requires a playing team to perform a predetermined religious action associated with a religion." Amended claim 17.

Amended claim 17 is further patentable over Stevens et al. for reciting that "the spaces are divided into religion sets ... wherein the religion-based question is based on any of a plurality of religions in the religion sets." Amended claim 17. This is illustrated in Fig. 1 where spaces 102 are divided into religion sets 104 and 106. In other words, the game path is divided into sections each pertaining to one religion or a category of religions.

Stevens et al. discloses a board game having questions pertaining only to the Bible. Although the game path encircles a "Father" section 25, a "Son" section 26, and a "Holy Spirit" section 27, the questions in these different sections only pertain to the Bible. Thus, amended claim 17 is patentable over Stevens et al. for reciting that "the spaces are divided into religion sets ... wherein the religion-based question is based on any of a plurality of religions in the religion sets." Amended claim 17.

The Examiner may wish to reject amended claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Stevens et al. in view of Ex. Parte Breslow using the arguments in the rejection of claim 20. However, Applicant submits that the Examiner has misinterpreted Ex. Parte Breslow in the arguments against claim 20 by focusing on the finding instead of the reasoning behind the finding. While the Board of Appeals did find that "[d]ifferences between applicant's board-type game and prior art game that reside in meaning and information conveyed by printed matter would not be patentable differences," the reasoning behind this is that these "differences relate to the information or instructions conveyed by the printed matter and not in any structure per se." Ex. Parte Breslow, 192 U.S.P.Q. 431, 432 (1975) (emphasis added). Here, there is a structural difference between the game of amended claim 17 and the board game of Stevens et al. The game of amended claim 17 has a game path divided into religion sets and cards having questions pertaining to religions in those religion sets, whereas the board game of Stevens et al. has a game path that is not divided into religion sets.

Furthermore, it would not be obvious for one skilled in the art to make a game pertaining to multiple religions because people are generally single faith based (i.e., each person generally believes in only one religion). A single faith based person would not be motivated to create a game about multiple religions.

Claim 18 depends from claim 17 and is patentable over Stevens et al. for at least the same reasons as claim 17.

Applicant has canceled claim 19, thereby rendering its rejection moot.

§ 103 Rejections

The Examiner rejected claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Stevens et al. in view of Ex. Parte Breslow. Claim 20 depends from claim 17 and is patentable over the cited references for at least the same reasons as claim 17.

The Examiner rejected claims 1 to 8 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,120,066 ("Cohen") in view of Ex. Parte Breslow. Applicant respectfully traverses.

Claim 1 is patentable over Cohen in view of Ex. Parte Breslow for similar reasons as amended claim 17. Specifically, the game of claim 1 is structurally different than the board game of Cohen and one skilled in the art would not be motivated to modify the board game of Cohen as suggested by the Examiner. The game of amended claim 1 has a game path divided into religion sets and cards having questions pertaining to religions in those religion sets, whereas the board game of Cohen has a game path that is not divided into religion sets and cards having questions that do not pertain to different religions. Thus, claim 1 is patentable over the cited references.

Claims 2 to 8 depend from claim 1 and is patentable over the cited references for at least the same reasons as claim 1.

The Examiner rejected claims 9 to 16 under 35 U.S.C. § 103(a) as being unpatentable over Stevens et al. in view of Ex. Parte Breslow. Applicant has amended claim 9 with similar limitations as claim 17. Thus, claim 9 is patentable over the cited references for at least the same reasons as claim 17.

Claims 10 to 16 depend from claim 9 and are patentable over the cited references for at least the same reasons as claim 9.

New claims

Applicant has added new claims 21 to 27. Claim 21 depend from claim 1 and is patentable over the cited references for at least the same reasons as claim 1. Claims 22 to 24

depend from claim 9 and are patentable over the cited references for at least the same reasons as claim 9. Claims 25 to 27 depend from claim 17 and are patentable for at least the same reasons as claim 17.

Claims 22 and 25 are further patentable over the cited references for reciting "wherein the playing team loses its turn if the game token is advanced onto the religious-action space." Thus, when the playing team advances to the religious-action space, the playing team must perform the predetermined religious action and lose its turn. Stevens et al., Cohen, and Ex. Parte Breslow does not disclose a game having such a rule.

Conclusion

Claims 1 to 20 were pending in the above-identified application when last examined. Applicant has amended claims 1, 4, 9, 11, and 17, canceled claim 19, and added claims 21 to 27. For the above reasons, Applicant respectfully requests the Examiner to withdraw the claim rejections and allow claims 1 to 18 and 20 to 27. Should the Examiner have any questions, please call the undersigned at (408) 382-0480x206.

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Respectfully submitted,



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